

Utah Hazard Mitigation Grant Program Administrative Plan

Hazard Mitigation Grant Program

Pre Disaster Mitigation Grant Program

Flood Management Assistance Program

Severe Repetitive Loss Program

May 2010

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I. INTRODUCTION

A. Purpose of Document

The purpose of this document is to outline the procedures that the Utah Department of Public Safety, Division of Homeland Security (hereafter referred to as the Division), will use to administer the mitigation grant programs, such as the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation competitive (PDM) program, and the Flood Mitigation Assistance (FMA) program, as required by the Division of Homeland Security (hereafter referred to as FEMA). This document is primarily designed to meet the requirements of 44 CFR§ 206.437 and establishes the guidance, rules, and procedures for the implementation of the mitigation grant programs. These programs are funded under Sections 322 and 404 of Public Law 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended, and Part 78 of 44 CFR.

Hazard Mitigation Grant Program (HMGP), authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended (42 USC 5170c), and 44 CFR Subpart N.

Pre Disaster Mitigation (PDM) program, authorized under Section 203 of the Stafford Act (42 USC 5133).

Flood Mitigation Assistance (FMA) program, authorized under Section 1366, of the National Flood Insurance Act of 1968, as amended (42 USC 4104c), and 44 CFR Subpart 78 (for programs which opened before December 3, 2007) and Subpart 79 (for programs which open on or after December 3, 2007)

The Repetitive Flood Claims (RFC) program, authorized under Section 1323 of the National Flood Insurance Act of 1968, and the Severe Repetitive Loss (SRL) program, authorized under Section 1361A of the National Flood Insurance Act of 1968 are not available. There are no structures in the state that meet the minimum requirements to participate in either program. Should the status of these two programs change, the plan we be updated to reflect the program(s). UTAH DOES NOT HAVE ANY IDENTIFIED SLR PROPERTIES.

This plan meets the requirements of 44 CFR Part 206.437. It is included by reference in the FEMA-approved, State of Utah's Natural Hazard Mitigation Plan – *January 2009*.

B. Intent of the Programs

The intent of the mitigation grant programs is to reduce the risk of future damage, hardship, loss, or suffering as a result of major disasters by providing financial support to implement cost-effective hazard mitigation measures to eligible applicants around the state. In addition, the purpose of flood-related mitigation programs to reduce or

eliminate claims under the National Flood Insurance Program (NFIP). These measures should be identified as part of the mitigation planning process required by the Disaster Mitigation Act of 2000 of state and local governments as a condition of receiving federal disaster assistance.

C. Eligible Applicants

Eligible applicants include agencies of state government, local governments (city, town or county), special purpose districts, Indian tribes, and certain registered private nonprofit organizations with like-government services and critical facilities.

For the PDM and FMA, non-profits organizations are ineligible to apply directly and must be sponsored by an eligible local government (city, town, or county). To be eligible to apply to the State of Utah for any of the mitigation grant programs, applicants must:

1. Be participating and in good standing in the National Flood Insurance Program (NFIP), or its successors.
2. Have a FEMA-approved hazard mitigation plan prior to receipt of grant funding (44 CFR § 206.434(b and 44 CFR § 201.6 (a) (2)).

For the Flood Management Assistance (FMA) program, only “communities” as defined in 44 CFR part 78 are eligible to apply, and must meet the other state criteria.

New requirement for recipients of hazard mitigation planning grants:

Jurisdictions that are eligible but not yet participating in the National Flood Insurance Program will be required to join NFIP as part of a hazard mitigation planning grant award. Eligible jurisdictions are those with authority over land use and include cities, towns, counties, and federally recognized Indian Tribes.

II. RESPONSIBILITIES

A. State Government

The Division administers the mitigation grant programs defined in this document. The Mitigation and Recovery Section in the Division is responsible for administering these programs. In administering the mitigation grant programs, the Division will:

1. Develop and publish grant guidance, funding criteria, and application forms.
2. Make recommendations to the Director on scope of HMGP as part of the Governor’s request for federal assistance - Presidential disaster declaration. This may include:
 - a. State-wide or county specific application of the HMGP.

- b. A list of communities, jurisdictions, and agencies with an approved local hazard mitigation plan.
 - c. A list of communities, jurisdictions, and agencies with a local hazard mitigation plans under development, under review, and pending approval.
 - d. A review of the entities in the disaster impacted areas that have approved plans and those that may not have approved plans at the time of the event.
- 3. Solicit qualified proposals from eligible applicants, including from communities with an approved local hazard mitigation plan.
- 4. Provide technical assistance to eligible applicants as resources permit. This may include applicant briefings on program specific issues, application development and/or cost benefit workshops, site visits to validate potential mitigation measures, and review draft applications prior to formal submittal of program applications.
- 5. Convene, as needed, the Mitigation Grant Review Committee to review, evaluate, and recommend priority projects for funding.
- 6. Forward recommendations for funding to FEMA for final approval.
- 7. Withdraw projects from consideration if necessary.
- 8. Develop grant agreements with and administer distribution of funds to applicants.
- 9. Submit quarterly and final reports to FEMA.
- 10. Monitor sub-grantee performance and arrange for a final engineering inspection, as/or if necessary.

B. Applicant

Representatives of the applicant are responsible for the following:

- 1. Identification of projects.
- 2. Establishing local priorities, and the submittal of applications to the state for funding consideration.
- 3. Providing any additional information necessary to comply with the National Environmental Policy Act (NEPA) and support FEMA in its completion of the environmental analysis.
- 4. Providing information and data that will enable the state to:

- a. Conduct benefit to cost analysis
 - b. Conduct environmental and floodplain management reviews.
 - c. Determine potential historic or archaeological impacts.
5. Submitting invoice vouchers with appropriate documentation for reimbursement.
6. Submitting quarterly and final reports to the Division.
7. Assisting with performance reviews and project inspection by Division staff.

As part of the project identification process, jurisdictions are required to have developed and adopted a local hazard mitigation plan that meets the criteria of 44 CFR §201.6.

This plan must identify the hazards, risks, and vulnerabilities of each eligible community. Proposed solutions, both short-term and long-term, must also be a part of the hazard mitigation plan.

The Chief Executive Officer of the applicant, or the appropriate legislative body, must designate an Applicant's Agent specific to the individual mitigation grant program to represent the applicant to arrange for work, monitor and evaluate work completed, and provide all essential documentation to the Division. The Applicant Agent must also have authority to sign on behalf of the Applicant, such as legally binding the Applicant in the grant agreement.

C. Federal Government

The Director of FEMA Region VIII will review the Division's recommendations for projects. FEMA has the final approval authority for funding of all projects. FEMA is responsible for preparing environmental review documents on the submitted projects to comply with the National Environmental Policy Act (NEPA).

Only upon formal notification by FEMA that a sub-grantee's application and funding documents have been approved, will the Division develop a grant agreement and obligation of federal funds for a specific planning initiative or mitigation project for the sub-grantee.

III. FUNDING OF ELIGIBLE PROJECTS

A. Federal

Funding for the mitigation grant programs varies from one disaster to another. For HMGP, it is by disaster; and for PDM, FMA, RFC, and SRL programs, it is by annual Congressional appropriation.

Currently the maximum amount of *HMGP funding available to the state is 15 percent of the federal expenditures, for the disaster, under all categories of the Public Assistance and the Individual Assistance programs*, less administrative costs. This funding is available only to states that have a “Standard” 322 Mitigation Plan approved by FEMA. States with “Enhanced” Mitigation Plans may receive up to 20 percent of federal expenditures.

Funding for both the FMA and PDM programs is based upon an annual allocation from Congress and has varied each federal fiscal year. The development of the grant agreement and obligation of federal funds for specific projects will be completed only upon formal notification to the Division by FEMA that the applicant’s application and funding documents has been approved

For major disaster declarations, FEMA will determine the lock-in for HMGP based on a flat percentage rate of the Federal share of projected eligible program costs under section 404 of the Stafford Act, 42 U.S.C. 5170c. For major disaster declarations on or after November 13, 2007, the HMGP rate will be 4.89 percent.

These costs are separate from the project costs and should not be included in the grant request. Additionally, these funds are made available by disaster, by Applicant, not by individual project. Therefore, if an Applicant has more than one HMGP project for a particular disaster, the Sub-grantee Administrative monies are based on the total of all the projects from that disaster.

For the PDM program, applicants can include project management costs, up to 5 percent of the total project costs, as part of their project budget in their grant application. Funds are made available only upon FEMA approval of the application. Administrative funds are not available for the FMA program.

B. Applicant

The Applicant's share of the project costs may be composed of applicant generated revenue and private sector resources (loans, etc.). In some situations, other state grant funds and Community Development Block Grant funds can be used as part of the local match, as long as they are not precluded by law.

Applicant contributions can also be in the form of documented in-kind services. Volunteer labor and materials, actual in-house labor and equipment costs, are just some of the types of in-kind services that may be considered as part of the applicant share.

C. State

For the HMGP, the Division's share of the project costs is established in the

FEMA-State Agreement signed by the Governor. For HMGP, PDM and FMA, the entire non-federal share is a local responsibility and no state funds will be provided, unless otherwise identified through the Legislature or Governor's Office.

Prior to the disbursement of funds, the Division and the Applicant will execute a grant agreement outlining agreed-upon costs, reimbursements, scope of work, and estimated completion schedules. Grant agreements are only developed following approval and receipt of funding documents from FEMA.

For all grants, the grant agreement folders will contain a copy of the mitigation program application, a copy of the final grant agreement and applicable contracting documents, funding documents, any amendments or changes, quarterly reports, State 85-21 (invoice vouchers) with supporting documentation, and any correspondence. The grant agreement will establish the "period of performance" for each grant as well as established benchmarks. The Division will utilize the Applicant's quarterly report as the primary method of monitor applicant performance during the grant performance period.

IV. PROJECT ELIGIBILITY REQUIREMENTS

A. Federal Criteria

In addition to the federal requirements (See 44 CFR § 206.434), a project must:

1. Solve the problem it is intended to address;
2. Be located in a community participating in good standing in the National Flood Insurance Program;
3. Meet all applicable federal, state, and local permit requirements, and "not contribute to or encourage development in the floodplain, wetlands, or other hazardous areas," and support environmental justice (Federal Executive Orders 11988, 11990 and 12898); and
4. Be cost effective in that it:
 - Addresses a problem that has been repetitive, or a specific problem that poses a significant risk if left unsolved.
 - Will not cost more than the anticipated value of the reduction in both damages and subsequent negative impacts to the area, if future disasters were to occur.
 - Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options.

- Contributes, to the extent practicable, to a permanent or long term solution of the problem it is intended to address.
- Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

B. State Criteria

In addition to the above criteria, a project should also support general hazard mitigation objectives. These general objectives are supported by state or local hazard mitigation plans:

1. Support the goals and objectives of the community's adopted/approved local hazard mitigation plan.
2. Protect lives and reduce public risk.
3. Reduce the level of disaster vulnerability in existing structures.
4. Reduce the number of vulnerable structures through acquisition, relocation, flood proofing, or seismic retrofitting.
5. Avoid inappropriate future development in areas known to be vulnerable to future disasters.
6. Solve a problem independently, or function as a beneficial part of an overall solution with assurance that the whole project will be completed.
7. Encourage a cooperative, inter-jurisdictional solution to reduce future disaster damage.
8. Provide a long-term mitigation solution.
9. Address emerging hazard damage issues such as urban stormwater, severe storms, landslides, floods, new earthquake faults, etc.
10. Restore or protect natural resources, recreation, open spaces, and other environmental values.
11. Develop and implement comprehensive programs, standards, and regulations that reduce disaster damage.
12. Increase public awareness of natural hazards, preventive measures, and emergency responses to disasters.
13. Upon completion, have affordable operation and maintenance costs.

14. New requirement for recipients of hazard mitigation planning grants:

Jurisdictions that are eligible but not yet participating in the National Flood Insurance Program will be required to join NFIP as part of a hazard mitigation planning grant award. Eligible jurisdictions are those with authority over land use and include cities, towns, counties, and federally recognized Indian Tribes.

V. SOLICITATION OF APPLICATIONS

While each of the mitigation programs' has a different funding mechanism, the basic process to solicit applications will be the same. For the Hazard Mitigation Grant Program HMGP, following a Presidential Declaration of a major disaster in the state of Utah, the State Hazard Mitigation Officer/State Hazard Mitigation Planner, will publicize the HMGP and inform potential applicants of the availability of mitigation grant funding.

Information on the HMGP will be given during Public Assistance program applicant briefings. Also, letters and information will be sent to local Emergency Management offices statewide, participants in the Public Assistance program, Utah Association of Counties, Utah League of City and Towns, State Agency Liaisons, Indian Tribes, and other interested parties and eligible applicants. Information also will be distributed at all mitigation training and briefings, as well as posting information on the Division's web page. At the discretion of the Division and FEMA, a joint press release describing the program may be issued. This release will contain program information and requirements.

The "Notice of Interest" (NOI), application deadlines, and a point of contact for further Information will be sent to the applicants expressing interest in the program(s). The

"NOI" is the first step in the application process and must be received by the Division by the date and time specified by the Division. This is a requirement for any applicant to receive an HMGP application. Because of increasing federal time restrictions, states must now *submit their HMGP applications to FEMA within 12 months* of the disaster

declaration date. In order to expedite the application process, the NOI development period generally will be 30 to 60 days, depending upon the nature of the disaster event.

For both the FMA and PDM, the Division will notify communities upon receipt from FEMA of the Notice of Funding Availability (NOFA) and will utilize a pre-application process similar to the Notice of Interest process of HMGP whenever possible.

VI. PROJECT IDENTIFICATION – HMGP

1. In addition to the project application process outlined above, the State Hazard Mitigation Officer/State Hazard Mitigation Planner may identify and encourage appropriate mitigation projects by utilizing the following:
 - a. Prior to a Preliminary Damage Assessment (PDA), brief survey teams on the Hazard Mitigation Grant Program and enlist their help in identifying potential mitigation projects and issues.
 - b. Brief the Public Assistance Project Worksheet Teams that will complete detailed inspections of damaged facilities so that they may identify broad or comprehensive projects that impact several sites.
 - c. Review State Hazard Mitigation Team (SHMT) reports from previous and current federally declared disasters to identify potential projects for funding.
 - d. Review unfunded grant applications from prior declared disasters, activities, or state priorities for possible funding.
 - e. Review local hazard mitigation plans from declared jurisdictions.

VII. PROJECT CRITERIA – HMGP

In addition to meeting the state and federal criteria, successful HMGP project applications will require additional documentation in support of the project. The additional documentation will be:

1. Develop at least three (3) viable alternatives, which may include a “No Action” alternative. The proposed project must have been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options. It is important to note under the National Environmental Policy Act (NEPA), FEMA requires that the three (3) alternatives be fully developed and documented.
2. Identify public involvement in the selection of the alternatives, especially when individuals that may be impacted by the project. Applicants must ensure that if the project impacts homeowners, that all public involvement are adequately identify and documented for the proposed project.

VIII. APPLICATION PROCESS – HMGP

Following a Presidential Disaster Declaration that provides Public Assistance and or

Individual Assistance program funds to the State of Utah, the Division normally will request Hazard Mitigation Grant Program funds. The following process is used to request and administer the program.

A. Submission of Applications to the State

The Division will solicit “Notice of Interest” (NOI) from applicants as described above. Upon receipt and processing of the applicant’s Notice of Interest, the Division will send HMGP applications to the interested and eligible applicants for completion.

A date will be established by the Division for applicants to return their completed applications. (Depending on the disaster, the deadline typically will be between 30 and 90 days from receipt of the application.) The date will allow enough time to ensure compliance of environmental requirements and coordination with regulatory agencies, development of alternatives, and the public involvement process. However, due to changing FEMA policy on the HMGP process, applicants are encouraged to begin project identification through the local hazard mitigation planning process in order to meet future reduced application timelines. *States must have their complete application packets submitted to FEMA within 12 months of the disaster declaration.*

B. Review, Ranking and Selection of Projects

Review Process

As required by 44 CFR § 206.435, the Division will review all applications submitted by eligible jurisdictions for completeness and to ensure they meet state and federal eligibility criteria. All applicants will be notified whether their application passes this initial review threshold. There is no appeal of the state’s decision of an application’s ineligibility.

If funding requested in the eligible applications exceeds the amount available, the Division will establish a Mitigation Grant Review Committee, to review, evaluate, and prioritize the applications. The Mitigation Grant Review Committee normally will consist of Mitigation and Recovery Section. The members from the State Hazard Mitigation Team (SHMT) may also be asked to participate on the Committee.

Members from the Mitigation and Recovery Section include: State Hazard Mitigation Officer, State Hazard Mitigation Planner, Earthquake Program Manager, State NFIP Coordinator, Flood Map Mod Coordinator, Mitigation and Recovery Manager.

The Division may seek the assistance of from other state, local and federal agencies.

The committee will review and prioritize those grant applications that passed the initial eligibility screening using the Hazard Mitigation Grant Program Evaluation System and make recommendations based on published criteria mentioned earlier in this document.

Ranking Process and Criteria

Ranking for recommendation of funding will include consideration of the following:

1. Combined ordinal application score(s).
2. Available funding.
3. Objectives and criteria in Utah Standard Hazard Mitigation Plan
4. Federal and state criteria as outlined earlier in this document.
5. 44 CFR § 206.435 (b)
6. Geographical mix.
7. Previous mitigation program participation and results
8. Current mitigation program participation. (At its discretion, the Division may limit applicants to three active projects at any one time.)

A prioritized list of the projects will be provided to the Director, as recommended for FEMA approval by the Committee. The Division will forward state recommended applications to FEMA for funding approval. The Division will formally notify applicants of the results of the ranking and review process and of their recommended, or non-recommended, status. Applicants not being recommended for funding may appeal this decision under specific criteria.

Selection of Projects

Following any appeal period, a decision package will be submitted to the Division Director containing those projects that are recommended for submission to FEMA for final approval and funding. These projects may be ones proposed by the Division or that have been reviewed and ranked by the Mitigation Grant Review Committee. The Division will notify applicants if their application is being forwarded to FEMA.

If the situation warrants, a percentage of the Hazard Mitigation Grant Program funds may be set aside to accomplish projects as outlined in the State Standard Hazard Mitigation Plan. These projects will be exempt from the Committee ranking process.

C. Submission of Recommended Projects to FEMA

1. The State Hazard Mitigation Officer/State Hazard Mitigation Planner (SHMO/SHMP) will prepare a project package, for transmittal to FEMA by the Division Director containing:

- a. A narrative describing the anticipated projects and justification for recommendation and rationale for each project.
- b. Copies of recommended applications and additional pertinent information.
- c. A certification by the Division that the projects meet all federal and state eligibility requirements.
- d. A completed SF 424 Application for Federal Assistance, which requests funding for all projects recommended.

Additionally, the Division may submit a prioritized list of state recommended, unfunded projects as alternates for consideration when additional funds become available through cost under runs or other opportunities.

2. Upon notification from FEMA, the (SHMO/SHMP) will notify applicants of FEMA's decision on their projects.

Funded Projects - Approved and funded applicants will be provided

- Reporting requirements;
- Process for requesting funds;
- Information on administrative costs; and
- Grant agreement between the State and the applicant.

Non-Approved/Unfunded Projects - Upon notification from FEMA of projects that are not approved and not funded, the Mitigation and Recovery Section will send a letter to applicants on non-approval and non-funding. Specific criteria for appealing the federal decision will be provided.

D. Withdrawal of Recommended Projects

The Division may opt to withdraw a project from consideration by FEMA. Possible reason(s) may include, but are not limited to, the following:

1. Misrepresentation(s) by the applicant in the application.
2. Non-covered cost increases prior to FEMA approval.
3. Loss or reduction of committed funding.
4. Project, or applicant, fails to maintain eligibility as outlined in 44 CFR § 206.424, to include cost/benefit requirements, participation and good standing in the National Flood Insurance Program (NFIP).

E. Phased Projects.

Phased projects that will include a study will be review and considered based on identified parts of the project to ensure mitigation is complete and justified.

F. Sub-grantee Performance

The Division reserves the right to postpone project contracting or to deny funding if there is a significant problem with previous sub-grantee performance, such as failure to complete projects in agreed upon times, major cost overruns, failure to provide required documentation in a timely manner, etc. In such situations, the sub-grantee is responsible for the development and initiation of corrective action satisfactory to the Division.

IX. PROGRAM ADMINISTRATION

A. Organization

The Governor's Authorized Representative (GAR) oversees mitigation expenditures. The State Hazard Mitigation Officer/State Hazard Mitigation Planner (SHMO/SHMP) is responsible for the daily operations and technical aspects of the program, hazard mitigation planning, and administering the hazard mitigation grant programs as noted in this document, and the FEMA-approved State Natural Hazard Mitigation Plan. The Division will review and update this administrative document as necessary, but normally every three years as required by the Disaster Mitigation Act of 2000 or when organizational requirements dictate.

B. Staffing

During normal, routine (non-disaster period) operations, the following staffing pattern has been established. Percentages indicate what amount of time the designated individual is expected to be spending directly attributable to the Hazard Mitigation Grant Program:

- Mitigation & Recovery Section Manager Section Manager 10%
- State Hazard Mitigation Officer and State Hazard Mitigation Planner (SHMO/SHMP) 90%

For disaster declarations, State Hazard Mitigation Officer (SHMO), is identified on the Division's organizational chart, and confirmed by name in the Federal-State Agreement.

During active disaster recovery operations, the following national base-line staffing pattern (per declared disaster event) has been established. The scope of the disaster will directly affect the number of personnel required, the percentage of time designated individuals will be tasked, and the length of tasking.

- | | | |
|---------------------------|------|----------------|
| • (SHMO/SHMP) | 100% | 12 - 48 months |
| • EM Program Specialist 2 | 100% | 9 - 48 months |

• EM Program Assistant	100%	9 - 48 months
• Reservist 1(Engineer)	50%	6 - 24 months
• Admin Support	50%	6 - 24 months

C. Administration

The (SHMO/SHMP) is responsible for project management and record keeping, including project files which contain all correspondence, applications, vouchers, reports, receipts, and related documentation. The (SHMO/SHMP) will oversee preparation of the state/local grant agreement outlining the work to be done.

Quarterly progress reports will be submitted to FEMA based on the reports provided by the Applicant's Agent. A final report will also be required from each applicant, and closeout documents will be submitted to FEMA as required.

D. Financial Management

The Division will serve as Grantee for project financial management in accordance with 44 CFR, Part 13. Sub-grantees (Applicants) are accountable to the Grantee for funds awarded. Sub-grantees are the legal entities to which the state awards money for projects; they can be a state agency, local government, special purpose district, private Non-profit organization, or Indian Tribe. Sub-grantees are responsible to the Grantee for expenditures, work performed, and reporting requirements. Allowable costs associated with administering the program are authorized in accordance with 44 CFR § 206.439.

Eligible grant costs will be reimbursed on an actual cost basis up to the contract amount. Financial spreadsheets will track approved project amounts, individual warrants and processing dates, total expenditures by federal, state, and local funding sources, and remaining funds.

The Division reserves the right to retain a 12.5 percent share pending project completion and closeout. For HMGP, the Sub-grantee administrative funds will be paid out only upon final inspection and project acceptance. For all three (3) programs the state of Utah has chosen not to provide advance payments.

Payments shall be based on sub-grantee submittal of Form 85-21, request of reimbursement. Requests for payments will be processed in a timely manner. The goal of the programs is to process payment requests to finance within 10 days of receipt within the Mitigation Recovery Section. The Division Finance Section goal is to process payments and issue a warrant within 15 days of receipt of the completed Form 85-21 the Mitigation & Recovery Section. Delays can, and will, occur if the applicant's submitted payment package is incomplete or contains inaccuracies. Applicants will be notified as soon as the discrepancies are noted, and the payment request will be annotated as to the reason for the delay. Upon receipt of the necessary documents, the Mitigation and Recovery Section will complete its portion of the payment process.

The Applicant's Agent must submit a final Form 85-21 and final report to the (SHMO/SHMP) after the project work has been completed. The Division will perform a final inspection of the completed project. A joint State/FEMA inspection will be conducted when possible and appropriate. FEMA will notify and coordinate any additional inspections by FEMA staff prior to the inspection. Final payments will be made upon completion of the Division's final inspection as specified in the grant agreement.

For PDM and FMA cost overruns will be 100 percent responsibility of the applicant. For HMGP, if additional funds are available, upon receipt of a written request from the applicant, the Division may request them from the Region to cover additional "eligible" costs. A grant agreement amendment will be developed and processed to include any additional funds prior to disbursement.

Accounting Codes

Expenditures recorded in for federal grants by the Division are coded to project codes. A project code gives the Division the ability to track the expenditures in the required program structure and grant cost.

The project code is also included in the coding for the revenue transactions from the draw of federal funds. The coding also includes coding that indicates the source (federal) and the Catalog of Federal Domestic Assistance (CFDA) number.

Accounts Payable

Salary and Benefits – All direct program staff salaries and benefits are supported by timesheets. Timesheets are prepared by the program staff member, approved by the supervisor, and sent to the Division's Financial Section. Staff reviews the timesheets, and communicates with program staff about any issues. The timesheets are input into the state payroll system.

Goods and Services – Program staff request the order of goods and services with a purchase request to the Finance Section. The Finance Section prepares a purchase order per state purchasing regulations. Copies are provided for the vendor, program staff, and additional Finance Section members. Once the goods and services are picked up or delivered the program staff sends a signed receiving report to the Finance Section.

The signed receiving report is dated for the day the goods or services are received. The Finance Section puts together a copy of the purchase order, invoice, and receiving report. The payment package is reviewed for the amount, coding, signatures, and dates. Then the payment package is approved and batched for payment. The payment is

reviewed and approved by a Department and processed through the state accounting system.

Sub-grantee – Program staff send a signed and approved Form 85-21 payment document, with backup documentation, to the Finance Section. The payment document is reviewed for the amount, coding, signatures, and dates. Then the payment package is approved for payment. The batch is reviewed and approved by a higher-level accountant. The payment is reviewed and approved by a Department and processed through the state accounting system. Payments to other state agencies are processed through the state accounting system.

Re-Issuance of a Warrant - Warrants are valid for 180 days. After 180 days the warrant must be listed as Statute of Limitation (SOL) before being reissued. If a warrant is lost or destroyed, a state affidavit must be filled out before the warrant can be reissued.

Accounts Receivable - The Division uses the SmartLink system to draw funds approved by FEMA. Draws are made only after the expenditures have been made (costs are reimbursed), or occasionally simultaneous to the processing of an expenditure or transfer. Draws for reimbursements are made within three days after the close of the fiscal month per the SFY 2003 Cash Management Improvement Act (CMIA) Agreement.

The amount of the draw is determined by the difference between the expenditures and the revenue recorded to date. If program staff maintains a spreadsheet the expenditures are reconciled to the spreadsheet. The *SmartLink draws* are deposited electronically in a State of Utah bank account maintained by the Office of the State Treasurer (OST). The accountant for a specific grant draws the funds. The cash receipts accountant prepares the document for posting to the state accounting system and the deposit with the OST. Draws for Division program cost are accumulated and drawn on a program approved and prepared by the Finance Section.

Note – Any interest payments are made directly between the United States Treasury and the OST. This only applies for grants that meet the criteria to be included in the CMIA agreement.

Reporting

Financial Status Reports (FSR) - *FEMA form 10-20FSRs* are prepared within 45 days after the close of a quarter or when the grant is closed. Reconciled reports used to make SmartLink draws are used in the preparation of the reports. The accountant responsible for that grant prepares the FSR and the report is approved by the Governor's Authorized Representative (GAR) or alternate. Federal and any state portion of any required match are both pulled from a tracking financial report. The local match if

any is provided by program worksheets. An extension is attained via e-mail from the appropriate budget staffer at DHS/FEMA Region VIII.

Federal Cash Transactions Reports - Program Support Center (PSC) 272

The PSC 272 report is electronically prepared by the Financial Analysis position in the Finance Section of the Division, and submitted to FEMA within 45 days after the close of each quarter. The PSC 272 is reconciled to the FSR and state accounting system.

Asset Management - Article V, item 1 of the mitigation grant agreement specifically identifies the requirements regarding the acquisition and disposition of property and equipment purchased with grant funds. Applicants will comply with the Federal Office of Management and Budget (OMB) Circular no A-102 (or its replacement), Subpart C.

X. AUDIT REQUIREMENTS

Uniform audit requirements as set forth in 44 CFR, Part 14 apply to all grant assistance provided under this program. FEMA may elect to conduct a federal audit on the hazard mitigation grant or on any of the sub-grants. For individual communities with mitigation projects, sub-recipient monitoring will occur on a regular basis and follow the Agency guidelines for sub-recipient monitoring, which may include reviewing audit findings/reports provided by the State Auditor's office.

Requirements of the Single Audit Act are included in section B.20 of the Mitigation Programs grant agreement between the Division and the Applicant, and are included here by reference.

Any issues that could impact the performance of that grant agreement will be analyzed to determine if they could impact the current grant, and if so, determine follow-up actions to preclude findings from reoccurring within the scope of the current agreement. For programmatic audit findings, the SHMO/SHMP will work closely with the Division to compile the necessary responses and actions within the proscribed timeframes

XI. CLOSEOUT PROCEDURES

Project Closeout

The sub-grantee shall submit closeout information in the form of a final report certifying that the project has been completed in accordance with the terms of the grant agreement, and provide all remaining documentation on work done, expenditures, and other costs.

The Division will schedule a final inspection of the project with the sub-grantee and will notify FEMA of the inspection date as appropriate. Project closeout will be noted in the project files upon completion of all inspection reports and outstanding documents.

Final payment to sub-grantee shall be made upon final review (and usually including sub-grantee administrative funds).

Disaster Closeout

Upon completion of all projects within a declared disaster event in which HMGP funds have been obligated, the following steps will be taken to close out the disaster records

with FEMA. The Division will notify FEMA that all projects within a declared disaster event have been completed in accordance with grant agreements.

- Review all project files and final reports for that disaster.
- Reconcile HMGP disaster funds between the Division and FEMA to verify data to Division records.
- Obligate any remaining Management Cost funds.
- Reconciliation of Management Costs funds as approved by FEMA management costs letter for each disaster.
- Division will draw down management costs funds upon verification of availability and written authorization by the SHMO/SHMP.
- Upon verification of all final project costs, and acceptance by FEMA and the Division, administrative (3-2-1) monies will be drawn down by the Division upon authorization by the (SHMO/SHMP).

Upon final review and reconciliation of all completed documents, the disaster event shall be closed.

Recapture of funds - If at any time during the actual grant performance period, after the project closeout, or after the program closeout, the Division determines that the sub-grantee/sub-applicant received federal and state funds that they were not entitled to, recapture actions will be undertaken in accordance with the terms and conditions of the grant agreement. Sub-grantee will be notified in writing describing the finding and provide an opportunity to provide any documents or additional information. Copy of the letter will be provided to the Division's Finance Section, and will be responsible for working with the Division's Finance Section to return the funds, to include any interest if appropriate, to the applicable funding sources.

XII. ADMINISTRATIVE DOCUMENT REVIEW

This document will be reviewed annually, or after a Presidential Disaster Declaration (for HMGP) to ensure compliance with the law, implementing regulations, and state policies. It will be updated as needed to reflect regulatory, policy, or organizational changes to improve program administration.

XIII. RECORDS RETENTION

All records and files will be retained in accordance with federal and state laws and regulations.

XIV. AUTHORITIES AND REFERENCES

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, Public Law 93-288, as amended by PL 100-707, Sections 404 and 322, Disaster Mitigation Act of 2000.

Federal Emergency Management Agency (FEMA) Regulations, 44 CFR, Part 206, Subparts M and N, and Part 78.

FEMA Regulations, 44 CFR, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Single Audit Act of 1984.

Chapter 38.52, Revised Code of Utah, Emergency Management.

XV. DEFINITIONS

Selected definitions are shown below. A complete list of applicable definitions is found in 44 CFR 206.431, Subpart N of 44 CFR Part 206.

Applicant means a state agency, local government, special district, eligible private nonprofit organization, or Indian Tribe.

Federal Hazard Mitigation Officer (FHMO) is the FEMA employee responsible for representing the agency in carrying out the overall responsibilities for post-disaster hazard mitigation.

Governor's Authorized Representative (GAR) is the individual designated by the Governor to represent the state in activities related to the implementation of Public Law 93-288 as amended, and to serve as the Grant Administrator of funds.

Grant means an award of financial assistance.

Grantee shall mean the State of Utah.

State Hazard Mitigation Team (SHMT) means the federal/state/local mitigation team that may be activated following major flood-related disasters to identify mitigation opportunities and issues.

Mitigation Grant Review Committee means the Mitigation and Recovery Section member grant application review body at the state level.

Project means any eligible mitigation measure or action to reduce risk of future damage, hardship, loss or suffering from disasters. The terms "project" and "measure" are used interchangeably in the regulations.

State Hazard Mitigation Officer (SHMO) means the individual designated as the responsible individual for all matters related, overall, to the Hazard Mitigation Grant Program, and the Sections 404 and 409 respectively of PL 93-288, as amended. For the State of Utah this function is conducted by the Division's State Hazard Mitigation Officer and or the State Hazard Mitigation Planner (SHMO/SHMP) who has responsibilities for the daily operations and technical aspects of the program, hazard mitigation planning, and administering the Hazard Mitigation Grant Program as noted in this document and the Utah Hazard Mitigation Plan.

Sub-grant means an award of financial assistance under a grant to an eligible applicant.

Sub-grantee means the applicant, government or other legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of the funds provided. *(This is the wording used to reference the applicant on the FEMA funding documents.)*

State of Utah's Natural Hazard Mitigation Plan The state document that identifies statewide hazard damage reduction goals and objectives, the means to accomplish them, and a time frame for implementation.

XVI. APPENDICES

Appendix I	Determining Management Costs - 44 C.F.R. PART 207— MANAGEMENT COSTS
Appendix II	Program Fact Sheets
Appendix III	Notice of Interest
Appendix IV	Application Evaluation Systems
Appendix V	Appeal Process

44 C.F.R. PART 207—MANAGEMENT COSTS

§ 207.5 Determination of management cost funding.

General. This section describes how FEMA determines the amount of funds that it will contribute under this part for management costs for PA and/or HMGP for a particular major disaster or emergency.

(b) *Lock-in.* FEMA will determine the amount of funds that it will make available for management costs by a lock-in, which will act as a ceiling for funds available to a grantee, including its subgrantees.

(1) Not earlier than 30 days and not later than 35 days from the date of declaration, FEMA will provide the grantee preliminary lock-in amount(s) for management costs based on the projections at that time of the Federal share for financial assistance for PA and HMGP, as applicable. In accordance with §207.7

(c), FEMA will obligate 25 percent of the estimated lock-in amount(s) to the grantee.

§ 207.7 Procedures for requesting management cost funding.

(a) *General.* This section describes the procedures to be used by the grantee in requesting management cost funding.

(b) *State Administrative Plan Requirements.* State administrative plans, as required in §206.207

(b) of this chapter for PA and §206.437 of this chapter for HMGP, must be amended to include procedures for subgrantee management costs amount or percentage determination, pass through, close-out, and audit, as required by §207.4(c)(3) before management cost funds will be provided under this part.

(c) *Initial Funding Request Submission.* Upon notification of the preliminary lock-in amount(s) for management costs based on the Federal share of the projected eligible program costs for financial assistance at that time for PA and HMGP, as applicable, the grantee must submit its initial management cost funding request to the Regional Administrator. FEMA must receive the initial funding request before it will provide any management cost funds under this part.

(1) For PA management costs, funding requests shall be submitted using a PW.

(2) For HMGP management costs, funding requests shall be submitted using an HMGP project narrative.

(d) *Request Documentation.* The grantee is required to submit, no later than 120 days after the date of declaration, documentation to support costs and activities for which the projected lock-in for management cost funding will be used. In extraordinary circumstances, FEMA may approve a request by a grantee to submit support documentation after 120 days. FEMA will work with the grantee to approve or reject the request within 30 days of receipt of the request. If the request is rejected, the grantee will have 30 days to resubmit it for reconsideration and approval. FEMA will not obligate

the balance of the management costs lock-in pursuant to a final funding request as described in paragraph (f) of this section or any interim amounts as allowed under paragraph (e) of this section unless the grantee's documentation is approved. The documentation must include:

- (1) A description of activities, personnel requirements, and other costs for which the grantee will use management cost funding provided under this part;
- (2) The grantee's plan for expending and monitoring the funds provided under this part and ensuring sufficient funds are budgeted for grant close-out; and
- (3) An estimate of the percentage or amount of pass-through funds for management costs provided under this part that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount (*e.g.* , number of projects, complexity of projects, X percent to any subgrantee).

(e) *Interim Funding Request.* If the grantee can justify a bona fide need for an additional obligation of management cost funds at 6 months, the grantee may submit a request to the Regional Administrator. Any interim obligations by FEMA must be approved by the Chief Financial Officer and will not exceed an amount equal to 10 percent of the 6-month lock-in amount, except in extraordinary circumstances.

(f) *Final Funding Request.* Upon notification of the final lock-in amount(s), the grantee must submit a final management cost funding request to the Regional Administrator. Any necessary revisions to supporting documentation must be attached to the final funding request.

FACT SHEET

HAZARD MITIGATION GRANT PROGRAM

The Hazard Mitigation Grant Program is one of the federal assistance programs made available by a Presidential Disaster Declaration. The state of Utah administers and helps fund the program, authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

The Division's State Hazard Mitigation Officer/State Hazard Mitigation Planner administers the program.

PURPOSE OF THE PROGRAM

The Hazard Mitigation Grant Program (HMGP) – within the limits of state and federal guidelines – helps fund a wide range of projects designed to reduce future disaster damage to a variety of structures and facilities.

Additionally, HMGP funds can be used to develop a local Hazard Mitigation Plan developed in accordance with 44 CFR § 201.6. It does not fund permanent repairs; FEMA's more familiar Public Assistance program helps pay for the permanent repair and restoration of eligible public facilities.

ELIGIBLE APPLICANTS

- State Government Special Districts
- Local Government
- Certain Private Nonprofit Organizations providing
- Like-Government Services and Facilities Indian Tribes

Applicants must be jurisdictions that are participating and in good standing in the National Flood Insurance Program [NFIP] or located in a community that is.

FUNDING CONSTRAINTS

Grants are available to eligible applicants on a *competitive* basis according to the following cost share: 75 percent federal and 25 percent non-federal. The amount available for the Hazard Mitigation Grant Program is limited and varies by disaster. All proposals are evaluated against state and federal program criteria. Some of the general criteria are listed below.

GRANT PROCESS

- Notice of Interest (NOI) to participate in the program submitted by eligible applicants.
- Following review of NOIs, full HMGP applications are sent to eligible applicants for potentially eligible projects. Deadlines for return of applications to the state vary by disaster.
- Applications are reviewed for eligibility, then evaluated and scored by a group of state and local representatives. Local representatives are from outside the declared disaster area(s).
- Projects are recommended to FEMA for approval and funding based upon evaluation and available funds.
- Grant agreement between the state and applicant is developed upon notification of approval and funding.

ELIGIBLE MITIGATION PROJECTS

Generally, a project should:

- Substantially reduce the risk of future damage, hardship, loss, or suffering from a major disaster;
- Conform with federal floodplain, wetland, and environmental regulations;
- Solve a problem, or part of a problem when there is assurance that the whole project will be completed;
- Be cost-effective in that it addresses a problem that is repetitive or that poses a significant risk if left unsolved;
- Contribute substantially to the problem's long-term solution;
- Provide cost-effective protection over the expected project life;
- Have manageable future maintenance requirements;
- Be the most practical, effective, and environmentally sound alternative among the possible options;
- Conform to the goals of the Growth Management Act; National Flood Insurance Program; and
- Have the documented support of the local community.

Following are *examples* of activities that the HMGP **can** fund:

- Hazard Mitigation Plans that meet the criteria of 44 CFR § 201.6
- Structural hazard control, such as debris basins and retention ponds;

- Retrofitting, such as seismic, flood proofing, and elevating to protect structures from future damage;
- Acquisition and relocation of structures from hazard-prone areas; and
- Construction activities that result in protection from hazards.
- **NOTE:** Applicants must have or participate in a FEMA-approved hazard mitigation plan in order to be eligible to apply for mitigation project grant funds.

INELIGIBLE MITIGATION PROJECTS, APPLICATIONS

Following are *examples* of activities that HMGP **cannot** fund:

Purchase of equipment including stand-alone emergency generators.

- Levees, dikes, and floodwalls, and dredging of waterways.
- New construction, or demolition / rebuild projects.
- Deferred maintenance.
- Projects that do not protect lives and/or prevent property damage from a hazard event (earthquake, flood, windstorm, etc.).
- Among the reasons that applications and/or projects are determined to be ineligible are:
- Applicant fails to meet National Environmental Policy Act (NEPA) requirements for adequate public involvement in the development of the alternatives.
- Project is for operation and maintenance rather than disaster-related mitigation.
- Project is the responsibility of another federal agency, such as the U.S. Army Corps of Engineers or the Natural Resources Conservation Service.
- Project has an inadequate benefit-to-cost ratio.
- When HMGP-funded project is part of a larger effort, no assurance is made that the entire project will be completed.

For more information, write or call Brad Bartholomew, State Hazard Mitigation Officer
or Jona Whitesides, State Hazard Mitigation Planner
(801) 538-3400

bbart@utah.gov

jwhitesides1@utah.gov

Utah Division of Homeland Security
State Office Building, Room 1110
Salt Lake City, UT 84114

Appendix III

HAZARD MITIGATION GRANT PROGRAM - PLANNING GRANT

Notice of Interest

HAZARD MITIGATION GRANT PROGRAM

Utah Division of Homeland Security, State Office Building, Room 1110, SLC, UT 84114

Date:

Presidential Disaster Declaration (FEMA-VIII-DR-UT)

The Hazard Mitigation Grant Program helps fund hazard mitigation plans as well as cost-effective projects designed to reduce or prevent structural damage caused by disaster events. The purpose of this form is to establish your jurisdiction's interest in applying for a planning grant to develop a **natural hazards mitigation plan** in accordance with 44CFR 201.6 through the State Hazard Mitigation Grant Program.

NOTE: Planning for "project development" is not eligible under this section of the program.

Applicant Type:

State Government/ Local Government Indian Tribe

Special Purpose District Private Non-Profit Organization Other _____

Name/Address of Jurisdiction:

Contact Person:

Phone Number:

Email:

County of Jurisdiction:

Cost of Plan: (estimated):

Source of Local Match (25% Min.):

1. What are the **Hazards** that affect your jurisdiction?
2. What are your **Risks** and **Impacts** of these hazards upon your jurisdiction?
3. How will the plan help resolve the impacts of the hazards upon your jurisdiction?
4. Additionally, is your jurisdiction participating and in good standing in the National Flood Insurance Program (NFIP)? Yes No

A condition of receiving a planning grant will require the applicant jurisdiction to join the National Flood Insurance Program if not already a member.

PLEASE RETURN TO ADDRESS BELOW NO LATER THAN: 5 p.m., Month Day, Year

Return Address:

State Hazard Mitigation Officer
Utah Division of Homeland Security
State Office Building, Room 1110
Salt Lake City, UT 84114
(801) 538-3400

Email: bbart@utah.gov or jwhitesides1@utah.gov

Fax: (801) 538-3772

This is NOT an application. You will be sent an application at a later date. If you have any questions, contact Brad Bartholomew or Jona Whitesides, 538-3400

HAZARD MITIGATION GRANT PROGRAM - PROJECT

Notice of Interest

HAZARD MITIGATION GRANT PROGRAM

Utah Division of Homeland Security, State Office Building, Room 1110, SLC, UT 84114

Date

Presidential Disaster Declaration (FEMA-VIII-DR-UT)

The Hazard Mitigation Grant Program helps fund hazard mitigation plans as well as cost effective projects designed to reduce or prevent structural damage caused by disaster events. The purpose of this form is to establish your jurisdiction's interest in the program, and to identify projects that are a priority to reduce or eliminate future damage or loss in your jurisdiction.

Applicant Type:

State Government Local Government Indian Tribe

Special Purpose District Private Non-Profit Organization Other

Name/Address of Jurisdiction:

Contact Person:

Phone Number:

Email:

Cost of Project (estimated): \$

Source of Local Match (25% Min.):

The Hazard Mitigation Program does not pay for repairs or for equipment such as emergency generators. If you do not have or do not participate in a FEMA-approved Hazard Mitigation Plan, you are ineligible to apply for mitigation project funds.

1. What is the **Natural Hazard** that you intend to address?
2. Describe the structure(s) vulnerable to the identified hazard?
3. What are the impact(s) of the hazard on the identified structure(s)?
4. How do you propose to mitigate the impact(s) of the hazard upon the identified structure(s) (e.g., seismic retrofit; property acquisition or elevation; erosion control; other measures etc.)? Please be specific.
5. How will this project solve this disaster-related problem?
6. Estimated quantifiable benefit of this project*: \$ (in dollars)

*This can include previous damages, future damages mitigated, and property value losses prevented.

7. Source of Local Share: (25% of estimated costs)
8. What is the Life of the project (in years)?
9. Is this site covered or connected to a Project Worksheet under (Public Assistance Program) Repair and Restoration Program of PL 93-288, as amended? Yes/ No Project Worksheet #_____

Please answer the following YES or NO questions to determine if your project will be eligible for consideration for a Hazard Mitigation Grant. Does the project:

1. Substantially reduces the risk of future damage, hardship, loss, or suffering from a hazard? Yes/No
2. Address a problem that is repetitive or that poses a significant risk if left unsolved? Yes/ No
3. Contribute substantially to a long-term solution? Yes/ No
4. Provide **cost-effective** protection over the expected project life? Yes/ No
5. Conform to federal and state environmental regulations? Yes/ No
6. Has manageable future maintenance requirements? Yes/ No
7. Reflect the most practical, effective and environmentally sound solution from among all alternatives considered. Yes/ No

If you answered NO to any of the above questions, your project may not be eligible for a Hazard Mitigation Grant.

Is your jurisdiction participating and in good standing in the National Flood Insurance Program (NFIP)? Yes/ No

If either answer is NO, your project application cannot be considered for a Hazard Mitigation Grant.

PLEASE RETURN TO ADDRESS BELOW NO LATER THAN: 5 p.m., Month Day, Return Address:

State Hazard Mitigation Officer
Utah Division of Homeland Security
State Office Building, Room 1110
Salt Lake City, UT 84114
(801) 538-3400

Email: bbart@utah.gov or jwhitesides1@utah.gov

Fax: (801) 538-3772

This is NOT an application. You will be sent an application at a later date. If you have any questions, contact Brad Bartholomew or Jona Whitesides, 538-3400

FACT SHEET

Pre-Disaster Mitigation Grant Program

The Pre-Disaster Mitigation Grant Program (PDM)

The Pre-Disaster Mitigation Grant Program (PDM) was created by section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act, 42 U.S.C. 5133. The PDM program provides an annual mitigation funding source to states, U.S. territories, Indian tribes, and communities to implement a sustained pre-disaster natural hazard mitigation program to reduce overall risk to the population and structures, while reducing reliance on federal funding from actual disaster declarations. The PDM is a nationally competitive grant program. Interested applicants can apply for either planning or project grants. The requested federal share of a planning project is limited to \$1 million and the requested federal share of the project grants is limited to \$3 million. The performance period of either a planning or project grant is three years.

APPLICANT INFORMATION

The following entities are eligible to apply for PDM funding assistance: state-level agencies including state institutions (e.g. state hospital or university); federally-recognized Indian tribal governments; local governments, including state-recognized Indian tribes, authorized Indian tribal organizations; public colleges and universities; and Indian tribal colleges and universities. Private Non-Profit (PNP) organizations and private colleges and universities are **not** eligible to apply for a PDM grant. However, an eligible, relevant state agency or local government may apply on the behalf of the private entity.

Eligibility for a project grant is dependent on the local community participating in the development of or having a Federal Emergency Management Agency (FEMA)-approved local hazard mitigation plan. If a community chooses to submit an application and does not have a FEMA-approved local hazard mitigation plan, FEMA will identify in the PDM fiscal year guidance document the date the local hazard mitigation plan needs to be approved by.

INELIGIBLE PROJECT ACTIVITIES

These projects are not eligible for funding under the PDM grant program (subject to change by FEMA)

- Major flood control projects
- Water quality infrastructure projects
- Projects that address ecological issues related to land and forest management
- Warning or alert notification systems
- Phased or partial projects

- Studies that do not result in a project (e.g. engineering designs, feasibility studies, or drainage studies that are not integral to a proposed project)
- Flood studies or flood mapping
- Dry floodproofing of residential structures
- Generators for a non-critical facility or as a stand alone activity
- Demolition / rebuild projects
- Projects that solely address a manmade hazard
- Response and communications equipment
- Projects that solely address maintenance or repairs of existing structures, facilities, or infrastructure (e.g. dredging and removal)
- Localized flood control projects that do not protect a critical facility
- Any project for which another federal agency has primary authority.

GRANT APPLICATION

FEMA requires all applications to be submitted by an electronic grant management system called eGrants. Only PDM applications submitted through the eGrants application system will be accepted and evaluated for funding consideration. In order to fill out to apply for a PDM grant, each applicant must register in the eGrant web-based application system.

Pre Disaster Mitigation Competitive Grant Program (PDM-C)

Notice of Interest

HAZARD MITIGATION GRANT PROGRAM

Utah Division of Homeland Security, State Office Building, Room 1110, SLC, UT 84114

The Utah Division of Homeland Security (DHS) is requiring all new prospective sub-grant applicants to complete a Notice of Interest (NOI) for each proposed eligible PDM-C mitigation activity. The NOI is detailed and reflects what will be required in the development of a competitive project. The NOI is NOT required if you are resubmitting an application from PDM 0000.

NOIs must be received by Utah DHLS no later than 0000.

Deadline for eGrants submission to the State 0000,.

Utah DHS, Mitigation and Recovery Section, will review the NOI for basic eligibility requirements then provide notification of our determination. Only sub-grant applications that have been approved through the state NOI process will be accepted.

It is important to remember that the PDM-C is a nationwide mitigation competitive grant program. A competitive project must:

- mitigate a natural hazard
- address the most imminent or reoccurring natural hazards,
- have a source of non-federal matching funds (75/25) that will be available at the time of the grant award,
- have a high benefit-cost ratio using the FEMA BCA Model, 4.5 and,
- the Federal online E-Grant application system must be used to apply for the grant. (<http://www.fema.gov/government/grant/hma/egrants.shtm>)

Please contact Brad Bartholomew if you have any questions or concerns.

Brad Bartholomew, (801) 330-4461, (801) 538-3400, bbart@utah.gov, Utah Division of Homeland Security, 1110 State Office Building, Salt Lake City, UT 84114

**Notice of Interest
Utah 20XX PDM-C**

Please complete the following:

Name of the Project

Date

Project Applicant

Project Contact Information

Name

Title

Agency

Address

Email

Phone(s)

FAX

Is the project considered an eligible project under HMA 2011 Guidance?

See HMA Guidance 2011, D., General Program Requirements, Eligible Activities, page 11.

Has your community participated in and formally adopted a local FEMA-approved mitigation plan? This is a requirement for all PDM project and planning applications.

Name of the Plan: (i.e. Wasatch Front Regional Council Hazard Mitigation Plan)

Effective Approval Date of Plan:

Project location and mitigation activity Information

What type of mitigation activity are you proposing?

Is this a critical facility?

Where is the project located (address)?

What hazard(s) are to be mitigated?

Is the project identified in the local FEMA-approved Plan?

Describe the problem that the hazard mitigation project will solve.

Provide a summary history on past damages the project will prevent in the future.

Project information and background

Describe the project.

Discuss the scope of work (who, what, where, when and how) and explain how the project solves the problem. Photos, drawings, engineering and or environmental studies should be included with the NOI.

Work schedule – task and task duration

Describe the proposed work schedule, by task and task duration for the proposed project.

How did you decide this mitigation project is the best solution to the problem and explain why this project is the best alternative?

Are you focusing on the area in your community that has the greatest potential for losses?

Are you addressing a symptom or a source of the problem? Addressing the source of the problem is a long-term solution, which provides the most mitigation benefits.

Project cost and matching funds

Total estimated cost of the project:

Name and source of non-federal match (25%):

Source agency:

Funding type:

Amount:

What will be the project's annual maintenance costs?:

Current status of the proposed project

Engineering and design completed and approved?

What is the estimated start date for the project?

What is the estimated project completion date?

Will the project require you to relocate to another building?

If yes, estimate the cost of relocation:

Describe the current status of funding for the project.

Is the success of the project based solely upon PDM 2011 funding?

Project Benefit Cost Analysis (BCA) information

FEMA BCA Software Version 4.5 (www.bchelpine.com) must be used to develop the project's benefit cost. The BCA for the project must be greater than 1. For additional information please refer to the BCA Reference Guide 2009 available on the website.

Are there any historical and or environmental review considerations?

Has a NEPA review been completed for the project?

Is the structure on the National Historical Register and or has it been identified as a "building of historical significance"?

Additional comments you may have regarding the project:

Additional information available to assist in the development of the NOI:

Application Development and Process

<http://www.fema.gov/government/grant/hma/applications.shtm>

Environmental Planning and Historical Preservation

<http://www.fema.gov/plan/ehp/index.shtm>

The FEMA BCA Model 4.5 and BCA Reference Guide is available at

www.bchelpine.com

eGrants Application information: <http://www.fema.gov/government/grant/hma/egrants.shtm>

NOTICE OF AVAILABLE FUNDS

Flood Mitigation Assistance Program (FMA) – (Effective Date)

Utah Division of Homeland Security

The Flood Mitigation Assistance Program (FMA) is made available to states on an annual basis. Our FMA program provides grants to communities for projects that reduce the risk of flood damage to structures that have flood insurance coverage. This funding is available for mitigation planning and implementation of mitigation measures only. The State is the administrator of the FMA program and is responsible for selecting projects for funding from the applicants submitted by all communities within the State. The State then forwards selected applications to FEMA for an eligibility determination. Although individuals cannot apply directly for FMA funds, their local government may submit an application on their behalf.

Federal Fiscal Year 20_____

Flood Mitigation Assistance (FMA) funding

The State of Utah Division of Homeland Security has received notice from the Federal Emergency Management Agency (FEMA) regarding the FFY 2007 allocation for the Flood Mitigation Assistance (FMA) program. In FFY 20____, the state will be receiving approximately \$XXX,000 in federal funds of which \$XXXXXX has been set aside for eligible projects.

All grants will require a 25 percent **local** match. The following shows the total potential funds available.

Total Funds Federal Share Local Share

Project \$ XXX

Planning \$ XXX

In order to be considered for project funds, a community must have a FEMA-approved flood hazard reduction (mitigation) plan or FEMA-approved Hazard Mitigation Plan that meets the criteria of 44CFR Part 78, and be participating and in good standing in the National Flood Insurance Program(NFIP). Additionally, applicants for the project grant must have both “zoning” and “building code” authority for their community in order to be eligible to apply for FMA funds. Proposed projects must:

- Reduce the number of repetitively or substantially damaged insured structures and the associated claims on the NFIP;
- Respond to the needs of the communities participating in the NFIP
- Complement other federal and state mitigation programs with similar, long-term mitigation goals.

The **state** deadline for the grant applications is _____. The state will be utilizing the FEMA e-Grants on-line application system for this year's funding.

Communities interested in applying for these funds should complete the FMA Pre-application and submit to John Crofts, Utah NFIP Coordinator. Once the pre-application has been reviewed for eligibility, you will be provided information on how to access the e-Grants system.

Contact John Crofts, Utah NFIP Coordinator, at (801) 538-3400, jcrofts@utah.gov for further information.

For additional program information and guidance <http://www.fema.gov/fima/fma.shtm>

Severe Repetitive Loss (SRL) Program – Utah Does Not Have Any Identified SRL Properties

The Severe Repetitive Loss (SRL) grant program was authorized by the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, which amended the National Flood Insurance Act of 1968 to provide funding to reduce or eliminate the long-term risk of flood damage to severe repetitive loss (SRL) structures insured under the [National Flood Insurance Program](#) (NFIP).

Definition: The definition of severe repetitive loss as applied to this program was established in section 1361A of the National Flood Insurance Act, as amended (NFIA), 42 U.S.C. 4102a. An SRL property is defined as a **residential property** that is covered under an NFIP flood insurance policy and:

- (a) That has at least four NFIP claim payments (including building and contents) over \$5,000 each, and the cumulative amount of such claims payments exceeds \$20,000; or
- (b) For which at least two separate claims payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building.

For both (a) and (b) above, at least two of the referenced claims must have occurred within any ten-year period, and must be greater than 10 days apart.

Purpose: To reduce or eliminate claims under the NFIP through project activities that will result in the greatest savings to the National Flood Insurance Fund (NFIF).

Federal / Non-Federal cost share: 75 / 25 %; up to 90 % Federal cost-share funding for projects approved in States, Territories, and Federally-recognized Indian tribes with FEMA-approved Standard or Enhanced Mitigation Plans or Indian tribal plans that include a strategy for mitigating existing and future SRL properties.

Appendix IV

Application Evaluation Systems

MITIGATION GRANT PROGRAMS PLANNING APPLICATION EVALUATION SYSTEM

INTRODUCTION

Section 322 of the Disaster Mitigation Act of 2000 requires local and tribal governments to develop a natural hazards mitigation plan in order to be eligible for the various federally funded mitigation grant programs.

To help jurisdictions develop mitigation grant applications, the Division established criteria consistent with that set forth in the Stafford Act, 44 CFR 206.434 (b), the Disaster Mitigation Act of 2000, and the Utah Hazard Mitigation Plan of January 2008

All mitigation grant applications will be evaluated against established criteria. If funding requested in eligible applications exceeds the amount available in grant programs, the Division will establish a Mitigation Grant Review Committee consisting of state and local representatives. The purpose of the Committee is to review, evaluate and prioritize eligible applications.

PROCEDURES

Applications will be reviewed to ensure they meet minimum state and federal eligibility requirements prior to evaluation and scoring by Division staff or the Mitigation Grant Review Committee. If necessary, the Committee will conduct an open meeting to discuss each project application in accordance with this administrative plan.

SCORING

The application evaluation package corresponds to the format of the grant application. Each section has a maximum assigned point value:

- Part 1, Planning Process Element, is weighted at 15 points
- Part 2, Risk Assessment Element, is weighted at 25 points
- Part 3, Mitigation Strategy Element, is weighted at 130 points
- Part 4, Plan Maintenance Element, is weighted at 20 points

The total possible score is **190 points**.

Due to the varied scoring criteria per section, the following guidelines, definitions, and percentages have been developed to help maintain consistent scoring:

- **CRITICAL RISK 80% - 100% Documented SEVERE** public health and safety problems.

- **SERIOUS RISK 70% - 79%** High potential for **SERIOUS** public health, safety, or environmental problems.
- **MODERATE RISK 60% - 69%** Moderately **SERIOUS** problems, high maintenance and operations costs, inefficient.
- **ROUTINE 0% - 59%** **ROUTINE** activities or **non-mitigation projects**; projects that lack adequate information upon which to make an informed judgment.

Appendix V

MITIGATION GRANT PROGRAMS

PLANNING APPLICATION EVALUATION SCORE SHEET

APPLICANT: _____

PROJECT TITLE/DESCRIPTION: _____

SCORES: PART 1 _____ **PART 2:** _____ **PART 3: TOTAL:**

Please rate how well the application addresses each element of the criteria below:

PART 1. PLANNING PROCESS 15 – Points 0 - 15 pts

Each question is weighted at 5 points.

1. How well does the applicant describe how it provides the public an opportunity to participate in the planning process?
2. How well does the applicant describe how it will include neighboring communities, local and regional agencies, business, academia, and other interests in the planning process?
3. How well does the applicant describe previous planning efforts and how it will incorporate them into this all-hazards planning process?

PART 2. RISK ASSESSMENT ELEMENT 25 – Points 0 - 25 pts

Each question is weighted at 5 points.

1. If the applicant has a current Risk Assessment, does it contain a description of the type, location, and extent of all natural hazards that can affect the jurisdiction?
2. If the applicant does not have a Risk Assessment, how well does the application describe how it will be completed?
3. How well did the applicant document previous occurrences of hazard events and the probability of future hazard events?

4. Has the applicant completed a **vulnerability** assessment for the hazards identified in their risk assessment that includes:
- a. The types and numbers of existing and future buildings, infrastructure and critical facilities located in the identified hazard areas;
 - b. An estimate of the potential dollar losses to vulnerable structures identified and a description of the methodology used to develop this estimate;
 - c. A general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.
5. If the applicant has not completed a vulnerability assessment, how well did the application describe how it will complete the above elements of a vulnerability assessment?

PART 3. MITIGATION STRATEGY ELEMENT – 130 POINTS 0 – 130 pts.

Each question is weighted at 10 points each.

1. If the applicant currently has a mitigation strategy does it contain a description of local mitigation goals and objectives with proposed strategies, programs, and actions to reduce or avoid long term vulnerabilities to the identified hazards?
2. If not, how well does the applicant describe how it will develop these goals, objectives, strategies, and programs?
3. Has the applicant conducted an analysis of a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each identified hazard, with particular emphasis on new and existing buildings and infrastructure?
4. If not, how well did the applicant describe how it will complete the analysis and what areas it will cover?
5. How well did the applicant describe how it will develop an action plan describing the actions in the analysis element and how it will prioritize and implement the plan?
6. Did the applicant develop a set of specific cost-effective mitigation projects that will reduce damages from future disaster that includes a summary of how it identified and prioritized these actions?
7. If not, did the applicant describe what types of projects it might consider and how it would prioritize them?

8. Did the applicant describe how these actions will support the mitigation goals and priorities of the community?
9. Did the applicant provide a description of its process to reduce the number of NFIP target repetitive loss properties in the community and a summary of how well the process works?
10. If not, did the applicant describe how it will address the repetitive flood loss issue in its community?
11. How well did the applicant describe whether or how it is committed to reducing damages from future natural disasters through the development of partnerships with businesses, academia and other private and non-profit interests able to provide financial or technical assistance in support of its mitigation goals and priorities? Did the applicant provide specific examples of any current activities?
12. How well did the applicant describe the development trends within its community and discuss actions to mitigate disaster losses?
13. Did the applicant discuss if its plan will require any interagency agreements to implement?

PART 4. PLAN MAINTENANCE ELEMENT – 20 POINTS 0 – 20 pts

Each question is weighted at 4 points each

How well does the applicant address the following:

1. A section describing the established method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.
2. A process by which the applicant will incorporate the requirements of the mitigation plan into other planning mechanisms, such as comprehensive or capital improvement plans.
3. A discussion on how the community will maintain public participation in the planning process.
4. Plans for formal adoption of the plan by the community.
5. A section describing how the local plan will be implemented and administered by the local government including discussion of how officials will approach and manage mitigation actions involving the acquisition of private property.

REVIEWER REMARKS Additional Comments

Ordinal Ranking among all planning applications reviewed:

MITIGATION GRANT PROGRAMS

PROJECT APPLICATION EVALUATION SYSTEM

INTRODUCTION

The state is responsible for recommending hazard mitigation projects to the Federal Emergency Management Agency (FEMA) for final approval and funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended), as well as the Pre-Disaster Mitigation grant program authorized under Section 322 of the Disaster Mitigation Act of 2000.

To help jurisdictions develop mitigation grant applications, the Division established criteria consistent with that set forth in the Stafford Act, 44 CFR 206.434 (b), the Disaster Mitigation Act of 2000, this administrative plan and the Utah Hazard Mitigation Plan, January 2008

All mitigation grant applications will be evaluated against established criteria. If funding requested in eligible applications exceeds the amount available in grant programs, the Division will establish a Mitigation Grant Review Committee consisting of, but not limited to, representatives from different levels of government. The purpose of the Committee is to review, evaluate and prioritize eligible applications.

PROCEDURES

Applications will be reviewed to ensure they meet minimum state and federal eligibility requirements prior to evaluation and scoring by Division staff or the Mitigation Grant Review Committee. If necessary, the Committee will conduct an open meeting to discuss each project application in accordance with this administrative plan and the Utah Hazard Mitigation Plan, January 2008

SCORING

The application evaluation package corresponds to the format of the grant application.

Each section has an assigned point value:

Part 1, Alternatives, is weighted at 20 points.

Part 2, Federal Criteria/State Goals and Objectives, is weighted at 130 points.
The total possible score is **150 points**.

In the event of a tie score, the Cost-to-Benefits Ratio may be used as a tie breaker. Due to the varied scoring criteria per section, the following guidelines, definitions, and percentages have been developed to help in consistent scoring:

- **CRITICAL RISK 80% - 100% Documented SEVERE** public health and safety problems.

- **SERIOUS RISK 70% - 79%** High potential for **SERIOUS** public health, safety, or environmental problems.
- **MODERATE RISK 60% - 69%** Moderately **SERIOUS** problems, high maintenance and operations costs, inefficient.
- **ROUTINE 0% - 59%** **ROUTINE** activities or **non-mitigation projects**; projects that lack adequate information upon which to make an informed judgment.

Example: If the answer to Question 1 in Part 3 ("Protect lives and reduce risk") demonstrates severe problems such as a high hazard, the evaluator should score the answer within the 80-100 percent range of the 20 points available (16 - 20 points)

HAZARD MITIGATION GRANT PROGRAM (HMGP/PDM)

PROJECT EVALUATION SCORE SHEET

APPLICANT: _____

PROJECT TITLE/DESCRIPTION: _____

SCORES: PART 1 _____ PART 2: _____ TOTAL:

PART 1. SELECTION OF THE BEST ALTERNATIVE (Chapter 2) 0 - 20 pts _____

Applicants must demonstrate, through a written narrative that describes each alternative considered, and that describes the chosen alternative is the **most practical, effective, and environmentally-sound** among the possible solutions. Applicants must show at least three alternatives.

PART 2. FEDERAL AND STATE CRITERIA 0 - 130 POINTS (Chapter 1)

Please rate how the proposed project meets or exceeds each of federal and state criteria below:

Does the application/ project show:

1. The jurisdiction has an approved natural hazard mitigation plan? 0 - 5 pts
2. If yes, is this project identified within it? 0 – 5 pts
3. That it protects lives and reduces public risk? 0 - 20 pts
4. That it reduces the level of hazard damage vulnerability in existing structures and developed property? 0 - 15 pts
5. That it reduces the number of vulnerable structures through acquisition, relocation, or retrofit? Does the jurisdiction describe plans for the acquired property (open space, etc.)? 0 - 10 pts
6. That it addresses structures in repetitive flood loss areas either by an acquisition, elevation, or relocation? 0 – 5 pts
7. That it avoids inappropriate future development in areas that are vulnerable to the hazard damage? 0 - 8 pts
8. That it solves a problem independently, or functions as a beneficial part of an overall solution? 0 - 8 pts

9. That it provides a cooperative, inter-jurisdictional / inter-agency solution to the problem? 0 - 8 pts
10. That it provides a long-term mitigation solution (not a short-term fix in locations that experience repetitive hazard damage?) 0 - 7 pt
11. That it addresses emerging hazard damage issues? (e.g., damage caused by stormwater runoff , trees in right-of-ways, identification of new EQ faults, etc.) 0 - 5 pts
12. That it restores or protects natural resource, recreational, open space, and / or built environment values? 0 - 5 pts
13. That it develops and implements comprehensive programs, standards, and regulations that reduce future hazard damage? 0 - 5 pts
14. That it increases public awareness of hazards, preventive measures, and emergency responses to disasters? 0 - 5 pts
15. That it has affordable operation and maintenance costs the applicant is committed to support upon completion? 0 - 5 pts

The state's goal is to fund projects that can be completed within the contract period, once approved by FEMA. Additionally, it is to the benefit of the state to fund projects that can be completed within the shortest time period, thereby providing mitigation benefits sooner.

One of the following point values should be awarded to the project score:

Project completed within: 0 - 12 months upon approval? 5 pts _____

13 - 24 months upon approval? 2 pts _____

REVIEWER REMARKS

Pros and Cons of Project / Issues to discuss with the Committee:

Ordinal ranking among all PROJECT applications:

Appendix VI

APPEAL PROCESS

Utah Division of Homeland Security
Recovery and Mitigation Section

Administrative Guidelines and Procedures

I. CRITERIA FOR APPEAL

Jurisdictions may appeal a decision of the Division staff or the Mitigation Grant Review Committee based on the following:

- A. Failure by the Division staff or Committee to follow established the state's processes outlined herein.
- B. Arbitrary or capricious decisions by the Division staff or Committee.

II. APPEAL PROCESS AND TIMELINE

All jurisdictions will receive formal notification of their recommended for funding/ non-recommended for funding status. This information also will be provided to the Utah Division of Homeland Security Director.

Description of the application ranking and selection process for recommendation / non recommendation for funding are found in Appendix.

A. Recommended applications: Those jurisdictions whose projects are initially recommended for funding will be notified whether there is, or is not, an appeal of the Division staff's / Committee's recommendations.

- An appeal will delay all recommendations forwarded to the Director, until the appeal process is complete.
- A successful appeal may result in a re-ranking of the recommended projects and could affect funding for one or more projects.

B. Non-Recommended applications: Those jurisdictions whose projects initially are not recommended for funding by the Division staff or Committee will be provided the specific reason for non-recommendation.

Should an applicant wish to appeal the non-recommendation of their project, they must:

- Within 15 days of receipt of formal notice of non-recommendation, respond in writing to the specific items causing non-recommendation, with

full justification or clarification to the Division staff / Mitigation Grant Review Committee.

- The Division staff / Committee will review the appeal, make such additional investigations as necessary, and forward the appeal with a written recommendation to the Emergency Management Division Director.

C. The Emergency Management Division Director will review the material submitted and make any additional investigations as deemed appropriate.

- The jurisdiction will be notified of the Director's decision within 10 days of the Division's receipt of the formal "Appeal of Determination" packet.

D. If the Division Director denies the appeal:

- The original list of recommendations of the Division staff / Committee will be forwarded to Commissioner, with a copy of the appeal results.
- All applicants will be notified of the appeal recommendation results and the appeal process has been completed.

E. If the Division Director finds in favor of the appeal, the Division staff / Mitigation Grant Review Committee will take appropriate implementing actions:

- The entire listing of recommended projects will be re-ranked.
- Affected jurisdictions will be notified, and they not be allowed to appeal this decision.
- A revised recommendation packet will be forwarded to Director with appropriate documentation and explanation of appeal results.

F. All decisions of The Adjutant General, State Military Division, are final.

III. CRITERIA FOR SELECTION

The project must meet federal eligibility criteria referenced in 44 CFR § 206.434. To be eligible, the project must demonstrate that it:

- A. Conforms with the Utah Natural Hazard Mitigation Plan and a local mitigation plan.
- B. Has a beneficial impact on the disaster-affected area.

C. Conforms with Executive Order 11988 on Floodplain Management, and Executive Order 11990 on Protection of Wetlands. (See CFR 44 Part 9 and/or Part 10.)

D. Solves a problem independently or will be a functional part of a solution with assurance that the whole project will be completed. (Projects that merely identify or analyze the hazard or problem are **not eligible**.)

E. Will be cost-effective and **substantially** reduce risk of future damage, hardship, loss, or suffering. This must be demonstrated by documenting that the project:

1. Addresses a repetitive problem, or one that poses a **significant** risk to public health and safety if left unsolved.
2. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur.
3. Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a **range** of options.
4. Contributes to a long-term solution to the extent practicable.
5. Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

IV. CRITERIA FOR NON-SELECTION

These are the established criteria for **NON-SELECTION** of applications for recommendation to the Division Director and the Federal Emergency Management Agency for funding:

A. Application and/or supporting materials were not received by the deadline.

B. Applicant is not participating “and in good standing” in the National Flood Insurance Program (NFIP).

C. Grant request exceeds established funding limits.

D. Project does not meet eligibility criteria in 44 CFR § 206.434, or fails to meet scoring minimums based upon eligibility criteria. (Please See III above.)

E. Project does not meet National Environmental Policy Act requirements for early documented public input in the selection of alternatives.

F. Project merely identified or analyzed the hazard or problem (studies).

G. Mitigation grant funds **cannot** be used as a **substitute** or **replacement** to fund projects or programs that are available under other federal authorities, except when there are limited circumstances such as extraordinary threats to lives, public health or safety, or improved property.